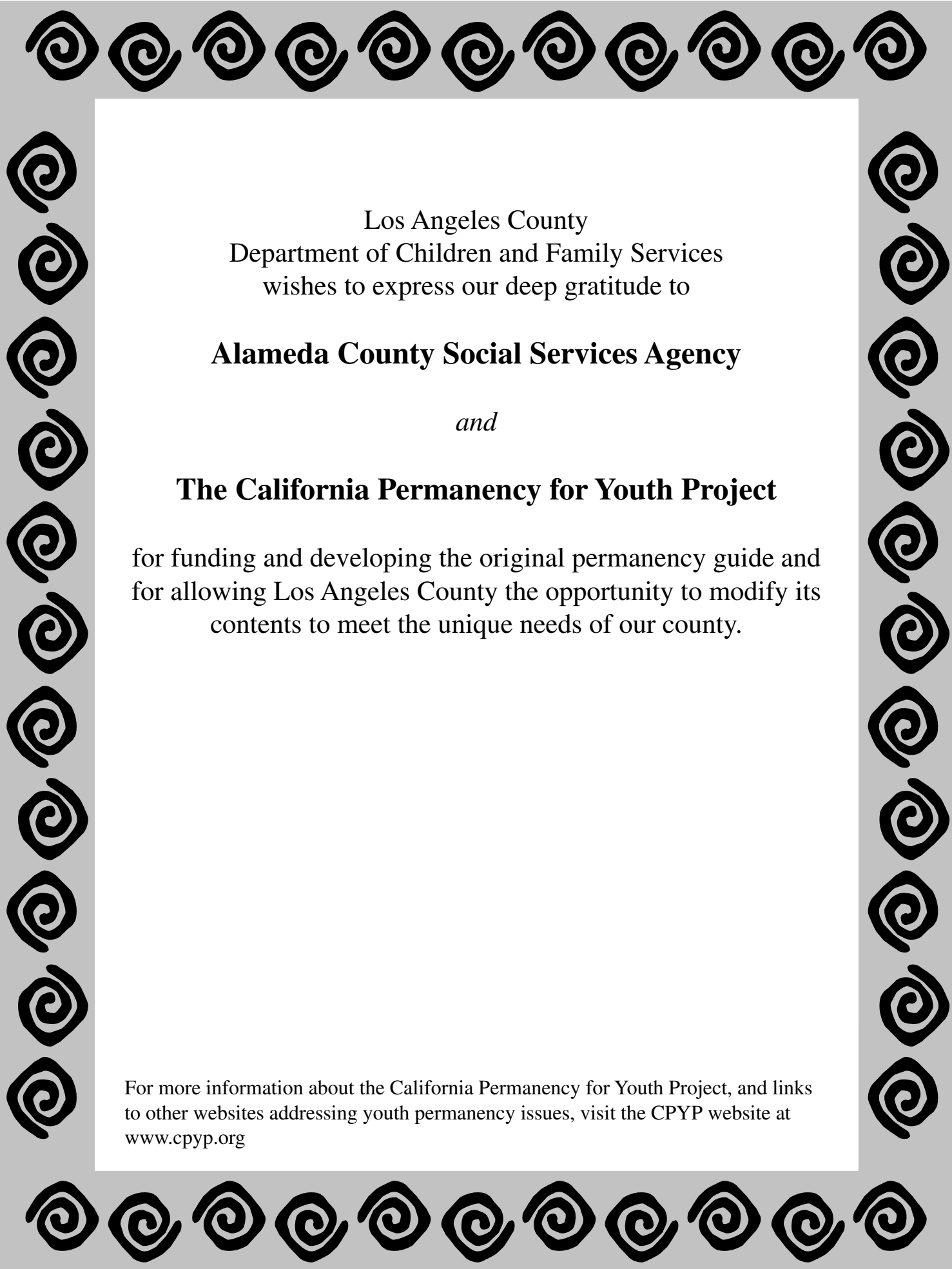


Department of Children and Family Services
Important Contact Numbers

Adoption and Permanency Resources	(888) 811-1121
American Indian Unit	(626) 938-1846
Asian Pacific Unit	(626) 938-1612
Black Family Investment Project	(323) 290-8749
Central LA Sexual Abuse Unit	(213) 639-4053
Child Protection Hotline	(800) 540-4000
Child Care Program	(562) 345-6629
Child Sexual Abuse Program	(626) 938-1638
Crisis Intervention Team	(800) 854-7771
DCFS Headquarters Reception	(213) 351-5507
Deaf Services Unit	(626) 938-1794
	TTY/VOICE
Emancipation Services	(213) 351-0100
Emergency Shelter Care	(626) 569-6868
Enrichment Plus Program and Educational Initiative	(213) 351-5620
Family Preservation	(213) 351-5715
Foster Care Hotline	(800) 697-4444
Foster Family Performance Agency Section (FFA)	(626) 569-6805
Group Home Resource Development Section	(626) 569-6803
Healthy Start Program	(323) 276-8638
Interstate Compact ICPC	(213) 639-4820
Info Line – Provides information on services with LA County	211
Latino Family Preservation Program	(323) 881-1326
Kinship/Relative Resource Division	(562) 777-1746
PS'MAPP (Model Approach to Partnership and Parenting)	(888) 811-1121
Medical Placement Unit (Covina)	(626) 938-1714
Medical Placement Unit (Los Angeles)	(213) 639-4048
Minor Parent Services	(213) 639-4048
Office of the Ombudsman	(888) 889-9800
Permanency Partners Program (P3)	(562) 903-5142 / 5159
Resource Family Recruitment Section	(888) 811-1121
Resource Utilization Management	(626) 569-6900
Rites of Passage Project	(213) 639-4090
Runaway Adolescent Project (RAP)	(323) 769-2102
Schedule “D” Rate Foster Care Program	(562) 903-5135
START–(Start Taking Actions Responsibly Today)	(626) 938-1668
Special Immigration Status (SIS) Unit	(323) 881-1340
Victims of Crime	(213) 351-3223

Note: Telephone numbers listed above may change due to consolidation of programs, program location change, etc. Please call the DCFS Headquarter receptionist at (213) 351-5507 for assistance.



A CALL TO ACTION:

For a child, few tragedies are greater than being separated from a parent. This loss is compounded when a child also loses family, friends, school and their community. Yet, this happens to many children who are removed from their homes in cases of abuse and neglect. The heartbreak is most profound when a child's life is turned upside-down by an agency that is charged with ensuring their safety and well-being, and then is set adrift in foster care. Unable to return home because their safety cannot be assured and no other adult is willing or able to commit to them in the present, these children face a childhood raised in the foster care system. Often moving from home to home, losing family, friends and sense of identity, these children emancipate into an unsure future with limited safety nets to help guide them on their journey into adulthood.

For the over 26,000 children in out of home care in Los Angeles County who wonder if this is the day they will be moved again, lose one more important person in their life, or have to start over in a new location, this is a heartbreaking crisis. Child welfare agencies are recognizing the urgent plight of these children, and are redoubling their efforts to minimize the negative impact our interventions may have upon the family. Our goal is to ensure that the child welfare bureaucracy (that was intended to provide short-term assistance for a family's problems) does not become, by default, the "parent" of the children involved. Instead, every possibility must be explored to keep children in their homes or to return them home and not permit them to grow up in the foster care system.

The Department of Children and Family Services believes that every young person is entitled to a legally permanent home and a permanent family relationship. Achieving timely permanency for every child in out of home care is a top priority. It is critical, it is urgent and it is achievable. All children deserve a legal permanent home through reunification, adoption or legal guardianship. Of these, reunification is our first and foremost priority. Long term foster care [AKA Planned Permanent Living Arrangement (PPLA)] is no longer an acceptable plan for any of our children or youth.

This Guide has been modified by Tiffany Collins, and Charles Willis, Children Services Administrators, Los Angeles County Department of Children and Family Services as part of the Permanency Partners Program (P3).

ACKNOWLEDGEMENTS

We wish to thank and acknowledge both the people and sources that provided us with significant assistance in the Guides's development.

General information, review, input, and expertise was provided by:

- ◆ Ken Shaw, Child Welfare Supervisor, Alameda County Social Services Agency, Department of Children and Family Services, Independent Living Skills Program
- ◆ Liz Kolo, Program Manager, Alameda County Social Services Agency, Department of Children and Family Services
- ◆ Suzanne Featherstone, Child Welfare Supervisor, Alameda County Social Services Agency, Department of Children and Family Services
- ◆ Sonya Frost, Child Welfare Supervisor, Alameda County Social Services Agency, Department of Children and Family Services

Assistance, review, and legal citations for the comparison charts were provided by:

- ◆ Alice Bussierre, Staff Attorney, Youth Law Center
- ◆ Jennifer Troia, Equal Justice Works Fellow, Youth Law Center
- ◆ Mamie Yee, Paralegal, Youth Law Center

Source material for the comparison charts include:

- ◆ Denise Goodman, PhD., Consultant and Trainer, Comparison Chart
- ◆ Contra Costa County Employment & Human Services Department, "Comparison of the Adoption Program, LG, Kin-Gap, and Long-Term Foster Care" 2001
- ◆ National Resource Center for Youth Development, "Determining the Best Financial Route towards Permanency" 2004

Some photographs found in this Guide of youth from the Alameda County Independent Living Skills Program were taken by:

- ◆ Kristina Wells, College Coordinator, Alameda County Social Services Agency, Department of Children and Family Services, Independent Living Skills Program

Quotations by foster youth in this Guide were found in:

- ◆ "Youth Perspectives on Permanency", by Reina M. Sanchez, California Youth Connection, copyright California Permanency for Youth Project, 2004

Guide Design and Layout:

- ◆ ARTWORX Graphic Design

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For information regarding the original guide please contact Alameda County Social Services Agency at junifx@acgov.org



LEGAL CITATIONS

⁴³ Family Code § 7501.
⁴⁴ WIC § 16121.1.
⁴⁵ WIC § 11374.
⁴⁶ WIC § 11374.
⁴⁷ Education Code § 48853.
⁴⁸ Family Code § 7501.
⁴⁹ WIC § 16121.1.
⁵⁰ Family Code §§ 7900, et seq. ; also see WIC § 361.21 regarding group homes.
⁵¹ WIC § 11375.
⁵² 42 U.S.C. § 677, http://www.chafee.csac.ca.gov/Chafee_FAQ_0405.pdf.
⁵³ 42 U.S.C. § 677, http://www.chafee.csac.ca.gov/Chafee_FAQ_0405.pdf.
⁵⁴ 42 U.S.C. § 677, http://www.chafee.csac.ca.gov/Chafee_FAQ_0405.pdf.
⁵⁵ WIC § 16522.
⁵⁶ WIC § 16522.
⁵⁷ WIC § 16522.
⁵⁸ WIC § 16522, MPP 31-525.3.
⁵⁹ WIC § 11375, MPP 31-525.3.
⁶⁰ MPP 31-525.3.
⁶¹ See Dept. of Ed. Student Guide, 2004-05, at <http://www.ed.gov/offices/OSFAP/Students/student.html>.
⁶² See Dept. of Ed. Student Guide, 2004-05, at <http://www.ed.gov/offices/OSFAP/Students/student.html>.

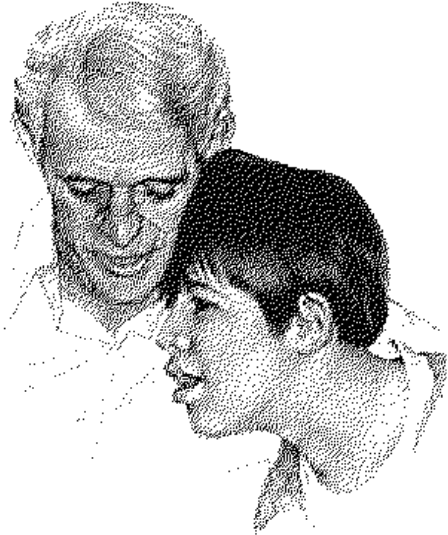


CHART 2: COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS

¹ Family Code §§ 8715, 8730 (caregiver), & 8807.
² Welfare and Institutions Code (WIC) §§ 319(f) & 360(a).
³ WIC § 366.3.
⁴ Family Code § 8616.
⁵ WIC § 366.3.
⁶ Family Code § 8616. But see post adoption contact agreements, Family Code § 8616.5
⁷ Family Code § 8617, WIC § 366.26(i). But see post adoption contact agreements, Family Code § 8616.5.
⁸ Family Code § 8616.
⁹ WIC § 362.1(a).
¹⁰ Family Code § 7501.
¹¹ Vehicle Code § 17707.
¹² Vehicle Code § 17707.
¹³ 10 U.S.C. § 505.
¹⁴ 10 U.S.C. § 505.
¹⁵ Family Code § 302.
¹⁶ Family Code § 302.
¹⁷ Family Code § 302.
¹⁸ Family Code § 302.
¹⁹ Generally, the wishes of the parents will be honored but the court has the authority to make final custody decisions. Families should consult an attorney for advice.
²⁰ WIC § 11375, California Department of Social Services, Manual of Policies and Procedures (MPP) 31-525.3.
²¹ MPP 31-525.3.



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ABOUT THIS GUIDE

The development and production of this Guide was supported by a mini-grant from the California Permanency for Youth Project, funded by the Stuart Foundation. It has been designed to serve as a tool for many different audiences, including:

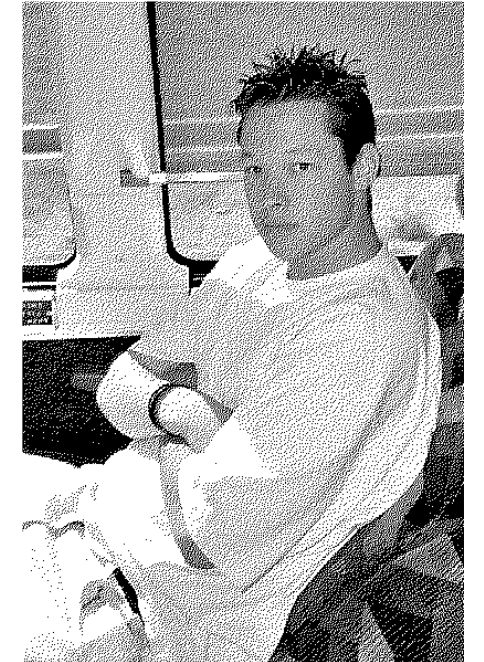
- ◆ **Foster and Kin Caregivers, Foster Family Agency Staff and Families, Group Home Providers, and those who care for Youth in Foster Care:** to provide information as well as to serve as a tool in consideration regarding permanency for youth in foster care;
- ◆ **Youth in Foster care:** to provide information to youth as they explore and consider different permanency options;
- ◆ **Child Welfare Staff:** to assist in their work with youth and families;
- ◆ **Community Partners and those Agencies Serving Youth and Families in Foster Care:** to inform and advise about the needs and options to be considered regarding permanency for youth.



LEGAL CITATIONS

CHART 1: COMPARISON OF FINANCIAL BENEFITS

- ¹ Welfare and Institutions Code (WIC) § 16120.
- ² WIC § 16119(d)(1).
- ³ WIC §§ 16119(d)(1), 16121.
- ⁴ WIC § 16119(d)(2), California Administrative Code, California Code of Regulations (CA ADC) 22 CA ADC § 35333(d)(1)(B)(2), 22 CA ADC § 35333(e)(6)(A).
- ⁵ WIC § 11363, MPP 90-105.1.
- ⁶ WIC § 11364.
- ⁷ WIC § 11405.
- ⁸ WIC § 11402.
- ⁹ WIC § 16121.
- ¹⁰ All County Letter 01-55 (August 22, 2001.)
- ¹¹ All County Letter 01-55 (August 22, 2001.)
- ¹² All County Letter 01-55 (August 22, 2001.)
- ¹³ WIC § 16121, 22 CA ADC §§ 35333, 35334.
- ¹⁴ WIC § 11461(e), MPP 11-401.2.
- ¹⁵ MPP 11-301.33.
- ¹⁶ WIC § 11461(e), MPP 11-401.2.
- ¹⁷ WIC § 11461(e), MPP 11-401.2.
- ¹⁸ WIC 16119(d)(1).
- ¹⁹ WIC § 11364, MPP 11.301.
- ²⁰ MPP 11-301.33.
- ²¹ MPP 11-420.
- ²² 22 CA ADC § 35333(h).
- ²³ 26 U.S.C. §§ 152(a), (b)(2).
- ²⁴ 26 U.S.C. §§ 152(a), (b)(2).
- ²⁵ 26 U.S.C. §§ 152(a), (b)(2).
- ²⁶ 26 U.S.C. §§ 152(a), (b)(2), <http://www.unclefed.com/Tax-Help/HTML/p17/ch36.html>
<http://www.turbotax.com/articles/FAQonFosterFamilyTaxes.html>.
- ²⁷ See, e.g., WIC § 730.7, Civil Code §§ 1714.1, 1714.3.
- ²⁸ See, e.g., WIC § 730.7, Civil Code §§ 1714.1, 1714.3.
- ²⁹ See, e.g., WIC § 730.7, Civil Code §§ 1714.1, 1714.3.
- ³⁰ See, e.g., WIC § 730.7(d).
- ³¹ 42 U.S.C. § 673(b)(1), 22 CA ADC § 50251(a), WIC § 16121.
- ³² The eligibility of other children in the household is not affected. WIC § 11366.
- ³³ WIC § 14051(a)(2).
- ³⁴ WIC § 14051(a)(2).
- ³⁵ 42 U.S.C. §§ 402(d)(1), (3), (8).
- ³⁶ 42 U.S.C. § 402(d)(1).
- ³⁷ 42 U.S.C. § 402(d)(1).
- ³⁸ 42 U.S.C. §§ 1381, et seq.
- ³⁹ WIC § 16121.
- ⁴⁰ WIC § 11462.
- ⁴¹ 22 CA ADC § 35326(h).
- ⁴² WIC § 11363.



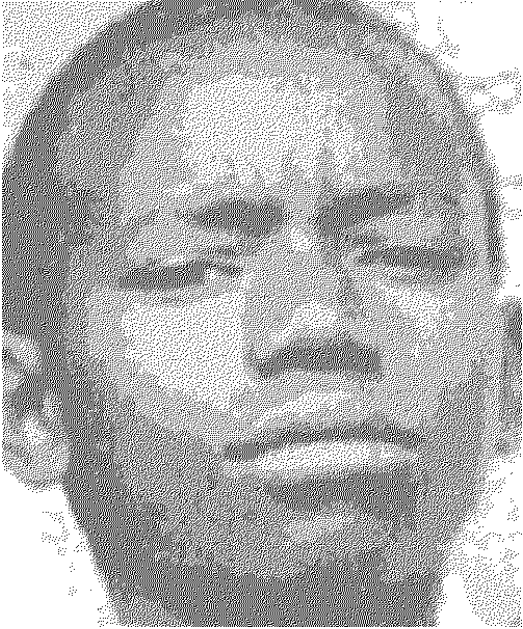
COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS RELATED TO ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
11. SERVICES AVAILABLE	The adoptive family is eligible for post-adoption services, which may include providing resource and referral, brief case management, and crisis intervention.	The family is eligible for services available for any family receiving TANF funding. If dependency is dismissed, Agency no longer provides support. Support may be available through local kinship centers.	When dependency is dismissed, the Agency continues to provide support, through resource and referral, and home visits every 6 months. If court dependency continues, child continues to be eligible for services through the Agency.	Child and caregiver eligible for services through the Agency. Agency provides supervision, case management and crisis intervention services.
12. DEATH OF CAREGIVER	The adopted child is treated the same as a birth child. The adoptive parents can designate in their will who will raise the child in the event of their death. ¹⁹	Guardianship terminates in the event of death of the guardian. Birth parents may attempt to regain custody. The court may appoint a successor guardian or re-establish dependency and place the child in foster care.	Guardianship terminates in the event of death of the guardian. Birth parents may attempt to regain custody. The court may appoint a successor guardian or re-establish dependency and place the child in foster care.	The Department of Children and Family Services retains placement authority and must locate another living arrangement for the child.
13. SPECIAL CONDITIONS/ COURT JURISDICTION	If adoptive parents agree, a post adopt mediation may occur prior to the adoption and plan may be ordered at the adoption regarding visitation/contact with birth parents and/or relatives.	The Court may ask the Guardian to agree to other special agreements concerning the child's welfare.	The Court may ask the Guardian to agree to other special agreements concerning the child's welfare.	Caregivers must follow Agency and Court directions re: visitation and supervision. They must be accountable for any funds received on behalf of the child. They must adhere to Court orders.
14. INDEPENDENT LIVING PROGRAM (ILP) ELIGIBILITY	Youth adopted after their 16 th birthday may participate in ILP programs, except for Housing Assistance Programs. (Refer to Financial Comparison chart)	Youth under relative Legal Guardianship after their 16 th birthday may participate and benefit from all ILP programs. ²⁰	Youth under relative and non-relative Legal Guardianship after their 16 th birthday may participate and benefit from all ILP programs.	Youth who remain in Foster care may participate and benefit from all ILP services. ²¹

INTRODUCTION

Foster care was designed to be temporary. Its purpose was to provide care for children living in unsafe and dangerous situations, while supportive services were offered to their families towards a goal of family reunification. However, hundreds of thousands of children and youth find themselves growing up in foster care, without permanent families or any lifelong connections.

Some children living in foster care have changed homes multiple times and many remain in their foster care system until they reach age eighteen and “age out” of the system. In essence, many children are being raised in foster care. Many of these children have attended a variety of schools and received spotty education. These same youth may have no consistent group of people to call friends and family, and have lost contact with those important to them. They lack permanence in their lives.



Research tells us that every year in California, approximately 4,000 children leave foster care with no permanent family connection. These youth “age out” of foster care without a family to support them in their transition to adulthood. Without the social, emotional, and financial support typically offered to young adults by their families, many former foster youth find themselves alone during this important period in their lives. Many youth face several serious challenges. Unable to overcome these challenges on their own, these children have become over-represented in the populations of young adults who are homeless. A disproportionate number of former foster youth become incarcerated, face early pregnancy, are poorly educated, and lack skills for employment.

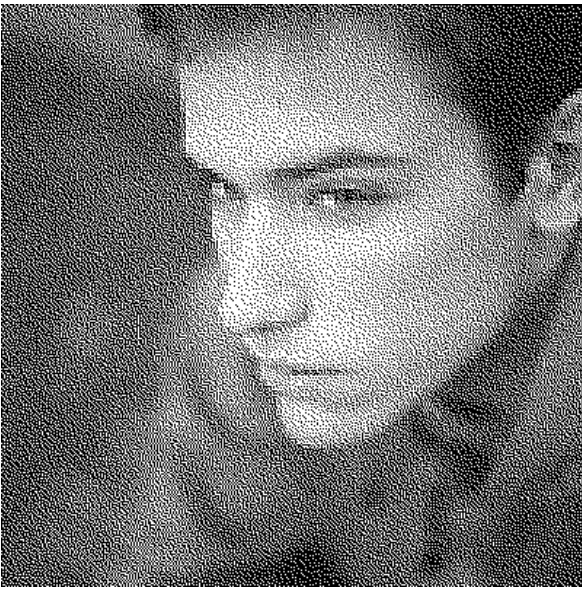
The fundamental role of foster care is being re-examined in order to improve outcomes for children and families involved in the child welfare system. All children are entitled to permanency, and the child welfare system is obligated to ensure this. Los Angeles County has expanded our vision and definition for permanency for our youth. We are striving to provide all children with a legally permanent plan of reunification, adoption or legal guardianship. Additionally, we made a commitment to work toward the goal that no child leaves foster care without a lifelong connection to a caring adult.

For youth that are not able to return home to their parents’ care, every effort must be made to identify adults to provide permanence for them so they do not grow up in foster care. If exiting foster care is not possible, then a permanent connection must be identified to support the youth throughout their life upon ‘aging out’ of the system.

It is important to recognize that for some youth, their families of origin remain their primary connection, despite their placement in foster care. Factors that may have posed safety issues for a young child may not be a serious concern as a child gets older and more independent. Circumstances need to be assessed on a case by case basis, and a reconsideration of family reunification needs to be explored regularly for all children who are placed in out-of-home care.

A permanent connection for a youth may be relational, physical, legal, or all of the above. For some youth, a committed relationship with an adult may be what’s most important, and may or may not include living in that person’s home. A permanent connection may result in a plan of Adoption or Legal Guardianship. However, while a legal arrangement represents a higher level of commitment, a legal commitment may not feel necessary to some youth. Some youth have a negative view or limited understanding of adoption or guardianship, which may not have been explored or discussed. In some cases, a connection and a relationship may be identified, built and supported while the youth remains in a foster care or a relative placement. A full exploration and understanding of all options is required, and families and youth need tools to begin this exploration.

Different situations require different solutions. It is critical that we understand the importance of creativity and flexibility when thinking about the needs of the children and youth we serve. It is essential that youth understand permanency, and be supported to identify what a permanent lifelong connection means to them in their lives. Youth need to be actively involved in planning for their futures. They need to be involved in the permanency planning process to help ensure that they do not leave foster care without a permanent lifelong connection.



“The more I moved around, the more I felt like I could just walk away from something if there was a problem. I felt there really wasn’t anybody there for me, so what was the point in getting attached to anybody, because I was going to be moving pretty soon.”
--Anonymous Foster Youth

COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS
RELATED TO ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP	PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		<div>RELATIVE GUARDIANSHIP (supported by Kin-GAP)</div> <div>NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)</div>	
7. CHILD’S RESIDENCE/ MOVES OUT OF COUNTY OR OUT OF STATE	Residence is solely determined by the adoptive parents. ¹⁰	Guardians have the right to move anywhere in state, but must notify the court in writing. An Inter County Transfer must be completed. If the Legal Guardian plans to move out of California, they must obtain court permission and the Legal Guardian is no longer eligible for Kin-GAP funding from California. Guardianship and/or funding may need to be re-established in the new state, subject to the new state’s laws and eligibility rules.	Legal residence is determined by residence of birth parents. (However, for educational purposes, a foster child may be considered a resident of the location where he or she is placed). The Juvenile Court and the Child Welfare Agency determine where the child lives. Courtesy supervision is arranged when a child moves w/ caregiver out of county or out of state. Interstate Compact Program rules must be followed when a child moves out of state and licensing/certification procedures for that state must be followed.
8. DRIVING/LICENSE	The adoptive parents may sign for the minor’s driver’s license. By signing for the license, the parent’s assume responsibility for insurance coverage. The parent can withdraw consent at any time. ¹¹	The guardian may sign for the minor’s driver’s license. By signing for the license, the parent’s assume responsibility for insurance coverage. The parent can withdraw their consent to the license at any time. ¹²	Youth is required to file proof of financial responsibility. A responsible adult can sign the DMV application; liability issues may be of concern.
9. ARMED SERVICES	The adoptive parents may consent to the enlistment of a minor. ¹³	A guardian may consent to the enlistment of a minor. ¹⁴	The Juvenile Court retains the responsibility to consent to the enlistment of a minor.
10. MARRIAGE OF MINOR CHILD	Adoptive parents may consent to marriage of their minor child. ¹⁵	Both the court and the relative guardians must give consent to the marriage of the minor child. ¹⁶	The Juvenile Court maintains the responsibility to consent to the marriage of a minor under its jurisdiction. ¹⁸



COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS
RELATED TO ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	LEGAL GUARDIANSHIP			PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
	ADOPTION (Adoption Assistance Program (AAP) Funded)	RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
5. PARENTING RIGHTS AND RESPONSIBILITIES	Adoptive parents possess all parenting rights and responsibilities for the child. ⁸	Legal Guardians possess parenting rights and responsibilities. When birth parent rights are not terminated, they retain right to visitation. The court can make visitation orders that limit parents' rights. ⁹	Legal Guardians possess parenting rights and responsibilities. When birth parent rights are not terminated, they retain right to visitation. The court can make visitation orders that limit parents' rights. ⁹	Caregivers must share parenting rights with the Agency. They must obtain Agency permission for some medical procedures, travel with the child, etc. Agency/Court make major decisions regarding the child. Birth parents may still be involved and may be involved in major decisions regarding the child. Court decides on major medical decisions (see #6 re: Educational Decisions).
6. EDUCATIONAL DECISIONS	Adoptive parents make all decisions regarding the education of the child. They can request special services from schools, regional centers and any other service provider.	Guardians can choose the child's school and educational program. They can request special services from schools, regional centers and any other service provider. The birth parent may have the right to be involved in school meetings and planning for the child. In special situations, the court may be involved in decisions.	Guardians can choose the child's school and educational program. They can request special services from schools, regional centers and any other service provider. The birth parent may have the right to be involved in school meetings and planning for the child. In special situations, the court may be involved in decisions.	Unless parental rights are terminated the birth parent retains the right to make critical decisions regarding education for the child, including the right to veto any private or parochial schooling. The child welfare agency and the courts are involved in specific decisions. Foster parents can be appointed as surrogate parents. If parental rights are terminated, the court can limit a parent's educational rights.

The California Permanency for Youth Task Force has defined Youth Permanency as follows:

Permanency is both a process and a result that includes involvement of the youth as a participants or leaders in defining for themselves what permanency means, and in finding a permanent connection with at least one committed adult, who provides:

- ◆ A safe, stable and secure parenting relationship,
- ◆ Love,
- ◆ Unconditional commitment, and
- ◆ Lifelong support in the context of reunification, a legal adoption, or guardianship, where possible;

and in which the youth has the opportunity to maintain contacts with important persons, including brothers & sisters. A broad array of individualized permanency options exists; reunification, adoption and legal guardianship are three among many that may be appropriate.

With the recognition of the urgent need for permanent lifelong connections for all youth in foster care, the importance and need for training and education have become paramount. Traditionally permanency was only considered an option for young children. Los Angeles County is challenging this myth. This Guide was developed to serve as a tool to assist in the consideration and exploration of permanent lifelong committed relationships and permanent family for youth in foster care in Los Angeles County. In Los Angeles County all children deserve a legally permanent home through reunification, adoption or legal guardianship.



Every child has a right to have a permanent lifelong connection!

25 THINGS A PERMANENT FAMILY AND CONNECTION CAN MEAN

- 1. LIFELONG RELATIONSHIP
- 2. FAMILY
- 3. FRIENDSHIP
- 4. UNCONDITIONAL LOVE
- 5. ONGOING SUPPORT
- 6. EXTENDED FAMILY-LIKE RELATIONSHIP
- 7. KNOWING THAT SOMEONE CARES
- 8. CONTINUITY
- 9. SOMEONE TO GO HOME TO
- 10. SHARING LIFE’S UPS AND DOWNS
- 11. SOMEONE TO CALL ON IN TIMES OF CRISIS
- 12. SOMEONE TO CALL ‘JUST BECAUSE’
- 13. BEING THERE
- 14. DEFINING FAMILY TOGETHER
- 15. SHARING HOLIDAYS
- 16. CELEBRATING SPECIAL TIMES TOGETHER
- 17. SOMEONE TO CHECK-IN WITH REGULARLY
- 18. SHARED HISTORY
- 19. ASSISTANCE AROUND MAJOR DECISIONS
- 20. GROWING AND CHANGING TOGETHER
- 21. BEING ACCEPTED NO MATTER WHAT
- 22. SOMEONE TO TRUST
- 23. HAVING SOMEONE TO STAND BY YOU
- 24. KNOWING SOMEONE IS PROUD OF YOUR ACCOMPLISHMENTS
- 25. KNOWING THAT YOU ARE NOT ALONE

COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS
RELATED TO ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
4. LEGAL PERMANENCE	Adoption is a lifelong legally binding relationship and provides the highest level of legal permanence. ⁶ The adoptive parent(s) become the legal parents. Birth parents rights are terminated, and birth parents cannot reclaim the child. ⁷	Guardianship provides permanence, however, it is not as legally secure as adoption; the Court can terminate guardianship, and birth parents can petition the court to terminate the guardianship, or the Legal Guardian may ask the court to dismiss guardianship. Birth parent’s rights are usually not terminated, and birth parents may have the right to visit the child. The Legal Guardian has authority to allow birth parents to be involved in decisions re: the child. Legal Guardianship ends at age 18, or may be extended if youth is still in high school.	Guardianship provides permanence, however it is not as legally secure as adoption. The Court can terminate the guardianship, and birth parents can petition the court to terminate the guardianship, or the Legal Guardian may ask the court to dismiss the guardianship. Birth parents’ rights are usually not terminated, and birth parents may have the right to visit the child. The Legal Guardian has authority to allow birth parent to be involved in decisions re: the child. Legal Guardianship ends at age 18, or may be extended if youth is still in high school.	Foster care is meant to be temporary, and does not provide legal permanence for a child. The Department continues to maintain custody of the child through 18 th birthday or until age 19/High School graduation. Court can continue jurisdiction up to age 21. (WIC 303). The birth parents can challenge continuing need for custody in Court. The Department can remove the child from the caregiver’s home, or the caregiver can request child’s removal. Placement can disrupt at any time. Birth parents rights are generally not terminated, and birth parents maintain right to visit and be involved in major decisions regarding the child, depending on case situation. The Department makes recommendations to Court regarding the child, and the Juvenile Court makes major



COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS RELATED TO ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
1. ELIGIBILITY/ PLACEMENT CRITERIA	Adoptive parents must meet all state guidelines and requirements for approval, including completion of training and assessment, resulting in an approved Adoption Homestudy. ¹ Approval must be from a Licensed Adoption Agency. Agency must make recommendation to Court for final approval.	Relative and non-related extended family members must meet all state guidelines and requirements first for foster care placement, including training and assessment, and pass Relative Approval process. ² Agency must make recommendation to Court for Legal Guardian, and final approval comes from Court.	Non-related caregivers must first be licensed or certified foster families. Families must complete training, assessment and meet licensing regulations. Agency must make recommendation to Court, and final approval for Legal Guardian comes from Court.	Caregivers must meet licensing requirements to be approved and licensed by the state, the county or Certified Foster Family Agency. Additionally, families must complete training and undergo an assessment. Relatives must also be approved for placement through a Relative Approval Process. Juvenile Court approves all placements.
2. ONGOING AGENCY INVOLVEMENT	Agency closes child's case following finalization. Agency is involved only for the provision of AAP, if eligible, or if the family requests, post adoption services may be made available (see # 11 re: Services Available)	Court may dismiss Juvenile Court Dependency following order of Guardianship. If so, no further Agency support or involvement. Support may be available through local Kinship Support Service Centers. If dependency is continued, Agency supervision, case management and Court supervision continues. ³	Court may dismiss Juvenile Court Dependency following order of Guardianship, although technically, court maintains right to supervision of placement. When a family receives foster care funding, they are visited every 6 months by CSW. Court supervision and case management continues if dependency is not dismissed. If child is on SSI and Regional Center client, the Regional Center provides case management.	Department continues to hold custody of the child and provides case management services to the child and sometimes to the family. Caregivers must keep license or certification active and are subject to regulations and involvement by the Agency in their home and with the family.
3. LEGAL RELATIONSHIP	Adoptive parents commit to a permanent lifelong relationship with the child. An adopted child becomes their child in all respects. The legal relationship is the same as it is to a child born to them. ⁴ The child's Court Dependency is dismissed when the adoption is finalized. ⁵	Guardianship suspends the legal rights of birth parents. The guardian(s) have parental responsibility for care, custody, control, and conduct of the child.	Guardianship suspends the legal rights of birth parents. The guardian(s) have parental responsibility for care, custody, control, and conduct of the child.	While foster parents and relative caregivers provide food, housing and nurturance to a child, the Juvenile Court has legal jurisdiction over the child and the Department is responsible for the case management and supervision of the child in the home.

YOUTH INVOLVEMENT IN PLANNING FOR PERMANENCE

Youth in foster care must be actively involved in planning for their own future and engaged in the permanency planning process. By being actively involved, youth can help to ensure that they do not leave foster care without a legally permanent home or, at a minimum a permanent lifelong connection.

Through discussion and exploration with social workers and caregivers, youth need to develop an understanding of what permanency means to each of them in their own lives. Youth must be supported to define for themselves what permanency means. In Los Angeles, youth can and have been active participants, and may even lead the planning process so that they establish a permanent lifelong connection with at least one committed adult before they exit foster care.

Exploring options for permanence must include an in-depth discussion with youth. Working towards permanence may focus on the legalizing through adoptions or legal guardianship the youth's placement with their current caregivers, or depending on the youth's unique situation, a reconsideration of family reunification may be explored. The exploration may lead to reconnecting and/or establishing relationships and ties with extended family members.

Efforts may also lead to supporting and building relationships with past or present adults in the youth's community. Youth may identify important adults from their past or adults who are now part of their life.

If considerations of current or past connections are not fruitful, with the youth's consent, active recruitment efforts can be made. Recruitment for a potential connection with a family that may lead to legal permanent placement and a lifelong relationship can either be outreach to the general public, targeted to a specific community, or can be "child specific", based on the specific needs, desires, and interests of the youth.

Exploring options for permanence must begin with the needs, desires, and experiences of youth.



"Everybody works a different way. I didn't care for permanency until I left the system and didn't start looking for it until a couple of years ago. That's why there should be many oportunities to engage in this interaction."

--Anonymous Foster Youth

RECONSIDERING REUNIFICATION

Exploring permanency options for youth must include considering whether or not it is possible for the youth to safely return to their parents' care. It is essential that each youth's situation be reviewed to determine the best plan for permanency.

While some youth that remain in out-of-home care lose contact with their families, some youth maintain ongoing contact and visitation. We must recognize that for some youth, their families of origin remain an active, primary connection. It is a fact that some teens run away from their foster homes and return to the homes of their parents, without Court approval. We know that some youth in out-of-home care are not open to forming strong connections with other adults, because of the strong bond that may continue with their parent(s).

In some cases, problems that were factors that resulted in removal of their young children may have improved or may have resolved for some parents. Some factors that may have posed safety issues for a young child may not be a serious concern as a child gets older and more independent. A reconsideration of family reunification needs to occur regularly for all children who are placed in out-of-home care.

Sometimes if a child was originally removed from their mother's care, placement with their father may not have been given full consideration. Both parents, as well as maternal and paternal relatives need to be reconsidered and regularly assessed when appropriate. Additionally, the circumstances of some extended family members who may have been originally ruled out for potential placement may have also changed.

All options need to be explored and reviewed often.



"The social worker should have the conversation, but we shouldn't just put permanent connections on the social worker. Ask the youth who is important in their life? Have them make a list."

--Anonymous Foster Youth

CHART 2: A COMPARISON OF LEGAL AND PSYCHOSOCIAL FACTORS

Chart 2 considers and compares the following factors in regards to Adoption, Legal Guardianship (Relative/Non-Relative) and Long Term Foster Care:

- 1. Eligibility/Placement Criteria
- 2. Ongoing Agency Involvement
- 3. Relationship
- 4. Permanence
- 5. Parenting Rights and Responsibilities
- 6. Education Decisions
- 7. Child's Residence/Moves Out of State
- 8. Child's Driving/License
- 9. Armed Services
- 10. Marriage of minor child
- 11. Services Available
- 12. Death of Caregiver
- 13. Special Conditions/Court Jurisdiction
- 14. ILP General Eligibility



Citations of the laws and regulations supporting the information in the chart are provided at the end of the Guide.

"My foster parents (are my connection). I even asked them, what's going to happen to me when I'm eighteen? They're like, you can stay with us for as long as you want and we'll always be here for you."

--Anonymous Foster Youth

FUNDING SOURCES

ADOPTION ASSISTANCE PROGRAM (AAP)

The Adoption Assistance Program is available to both relative and non-relative families who adopt children from foster care. AAP reduces the financial barriers to the adoption of children who might otherwise remain in foster care. Eligibility is not based on family income, but rather on the eligibility of the child. The AAP rate is negotiated with each family, and is based on the child's basic and special needs, and the circumstances of the family. Information is available at www.dss.cahwnet.gov/pdf/PUB152.pdf

Kin-GAP

Kin-GAP is a cash aid program that supports eligible relative caregivers in California who become Legal Guardians. Kin-GAP pays eligible relative guardians at the basic AFDC-FC rate for the child's age. No special rates or clothing allowances are permitted. Kin-GAP gives relative caregivers that are unable or unwilling to adopt a youth an option for exiting the child welfare system.

A Kin-GAP guardian cannot receive Kin-GAP funding if s/he moves out of California; however, guardians can receive Kin-GAP aid if they move back to California. If a prospective Kin-GAP eligible guardian plans to leave the state, Kin-GAP should be established before dependency is dismissed so that the guardian could receive Kin-GAP aid if they ever move back to California. Kin-GAP eligibility cannot be established once dependency has been dismissed.

A relative must meet certain eligibility criteria to be a Kin-GAP guardian. Detailed information about the Kin-GAP Program and eligibility criteria is available from your social worker or at <http://www.dss.cahwnet.gov/getinfo/pdf/pub272.pdf>

BASIC FOSTER CARE RATES

Below is a table showing the current AFDC-FC standardized basic rates for foster family homes set by the State of California, Department of Social Services:

FOSTER FAMILY HOMES Schedule of Basic Rates Effective 7/1/2001	
AGE	BASIC RATE
0-4	\$425
5-8	\$462
9-11	\$500
12-14	\$546
15-19	\$597



UNDERSTANDING LONG TERM FOSTER CARE IS NOT PERMANENCE

Foster care is meant to be temporary and does not provide legal permanence for a child. The Department continues to maintain custody of the child through 18th birthday or until age 19/High School graduation. Court can continue jurisdiction up to age 21. The birth parents can challenge continuing need for custody in Court. The Department can remove the child from the caregiver's home, or the caregiver can request child's removal. Placement can disrupt at any time. Birth parents rights are generally not terminated, and birth parents maintain the right to visit and be involved in major decisions regarding the child, depending on case situation. The Department makes recommendations to Court regarding the child, and the Juvenile Court makes major decisions.

Why Foster Care Is Generally Discouraged As An Option For Permanency?

- ◆ Foster care was established to be temporary in nature. Without a clear legal commitment by the caregiver to raise a youth, some youth end up moving from placement to placement. Placement disruptions often occur at various developmental stages and at the most critical times when youth need a committed caring adult to 'hang in there' with them.
- ◆ For many youth, there is a stigma attached to being in foster care.
- ◆ For many youth, there is a negative connotation when labeled a foster child.
- ◆ Some youth may not feel that they are a true member of a family.
- ◆ Remaining in foster care presents interference in daily life both for the family and youth, such as regular social worker visits, or the need to obtain court permission to participate in normal family and school activities, including vacations and travel plans.
- ◆ The Court maintains major decision-making authority rather than the youth's caregiver.
- ◆ There may be feelings of isolation for the youth and/or foster family.
- ◆ Some foster youth may feel like a second class member of the family.

Some Questions To Consider When Contemplating A Move of a Youth, with a Plan of Long Term Foster Care to a Legally Permanent Arrangement.

- ◆ Has permanency been explored with the youth and have the youth's wishes and needs been considered?
- ◆ Could the youth do anything for you to decide that that they had to leave your home?
- ◆ Even if a youth had to leave your home for a period of time or receive therapeutic or residential treatment, is there anything that they could do to no longer be a part of your family?
- ◆ Are there financial considerations that need to be explored and resolved for you to consider a higher level of permanency?
- ◆ Are there services that you receive for the youth from the Agency that may be available in the community?
- ◆ Is this a permanent or a conditional commitment? If conditional, what would need to happen to make it permanent?



"It was always known that there was a difference between me and her own children. I grew knowing that those are her kids and I'm a foster kid."

--Anonymous Foster Youth

CONSIDERING LEGAL GUARDIANSHIP

Relatives and non-relatives may become Legal Guardians. Becoming a Legal Guardian involves a legal commitment and court order that takes the youth out of the status of being a foster child. In most cases, the youth's Juvenile Court dependency is dismissed. While this commitment does not provide as high a level of legal permanency as adoption, Legal Guardianship is a viable option to be considered by families and youth.

About Legal Guardianship

- ◆ Most often when legal guardianship is ordered, Court dependency is dismissed.
- ◆ Birth parent(s) can stay involved giving the child, in a sense, two sets of parents. This can be seen as a benefit for some families depending on the relationship with the birth parent(s).
- ◆ Birth parent(s) maintain the right to have reasonable visitation.
- ◆ Birth parent(s) have the right to petition the court to regain custody if their circumstances change – this may be seen as either a positive or a negative.
- ◆ Guardian may petition the court to have the guardianship overturned or the guardian may go back to court and request the child/youth be returned to the birth parent(s).
- ◆ Relative Legal Guardians in California may be eligible for financial assistance through the Kin-GAP Program. This funding is based on the basic foster care rate, found on the table on p. 24. Detailed information can be found at www.dss.cahwnet.gov/getinfo/pdf/pub272.pdf
- ◆ Non-relative Legal Guardians may be eligible for funding through foster care funding, and a special rate may be considered, depending on the needs of the youth.

Some Questions To Consider When Contemplating A Commitment to a Youth, with a Plan of Legal Guardianship:

- ◆ Has permanency been explored with the youth and have the youth's wishes and needs been considered?
- ◆ With Legal Guardianship will the youth feel that they are a second class family member?
- ◆ Will the youth fear being kicked out if they misbehave?
- ◆ Are you making a permanent commitment to raise and be lifelong family to the youth?
- ◆ Are there any concerns regarding the termination of parental rights?
- ◆ Have reservations regarding committing to adoption of the child been fully explored?
- ◆ Is this a permanent or a conditional commitment?
- ◆ Have the various options been explored with the youth?
- ◆ Is there a hope that the youth will ultimately be reunified with their birth parents?
- ◆ Is reunification an expectation by the caregiver and if so, is the guardianship a temporary commitment?
- ◆ Is guardianship a permanent commitment to the youth even though reunification may be possible?
- ◆ Although a legal guardianship relationship legally ends at age 18, is the existing relationship still a lifelong commitment for the youth?



"I think if I had a role model in my life, or just a man figure to give me knowledge he had as a young man, that would have really meant a lot, made me a better person."

--Anonymous Foster Youth

COMPARISON OF FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
18. ELIGIBILITY FOR TRANSITIONAL HOUSING PLACEMENT PROGRAM (THPP)	N/A—Youth must be foster youth age 16 and over to be eligible. ⁵⁵	N/A—Youth must be foster youth age 16 and over to be eligible. ⁵⁶	N/A—Youth must be foster youth age 16 and over to be eligible. ⁵⁷	THPP prepares foster youth age 16 and over for independent living. Program consists of offsite supervised living situation in shared housing units.
19. ELIGIBILITY FOR ILP HOUSING ASSISTANCE PROGRAMS	N/A –Youth must be foster youth age 16 and over to be eligible. ⁵⁸	Youth in Legal Guardianship after their 16 th birthday are eligible for ILP Housing programs. Slots are limited.	Youth in Legal Guardianship after their 16 th birthday are eligible for ILP Housing programs. ⁶⁰ Slots are limited.	Youth who remain in foster care through their 18 th birthday are eligible for all ILP Housing programs. Slots are limited.
20. ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION	Adopted youth may be eligible for federal and state financial aid, however, eligibility is based on the youth and adoptive family's income. Youth should consult with school's financial aid office	Legal Guardianship youth may be eligible for federal and state financial aid. The Legal Guardian's income is <u>not</u> considered. Eligibility is based on the youth's income, and, if the biological parents have claimed the youth as a dependent on past two years' income tax reports, their income is also considered. ⁶¹ Youth should consult with school's financial aid office.	Legal Guardianship youth may be eligible for federal and state financial aid. The Legal Guardian's income is <u>not</u> considered. Eligibility is based on the youth's income, and, if the biological parents have claimed the youth as a dependent on past two years' income tax reports, their income is also considered. ⁶¹ Youth should consult with school's financial aid office.	Youth who remain in foster care through their 18 th birthday are eligible for federal and state financial aid. Only the youth's income is considered. These youth may also be eligible for other funding designated specifically for foster youth. Youth should consult with school's financial aid office.
21. TAX CREDIT	\$10,390.00 tax credit allowed year of adoption. If credit is more than tax liability limit, unused credit can be carried forward to next 5 years. (Refer to IRS Publication 968.)	N/A	N/A	N/A



COMPARISON OF FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
15. FINANCIAL ASSISTANCE/ CHILD'S RESIDENCE/ MOVES OUT OF STATE/ COUNTRY	The adoptive parents solely determine residence. ⁴⁸ AAP funding is paid to family regardless of where adoptive families choose to live: in another county, another state, or another country. ⁴⁹	Court permission must be obtained to move out of state. If Guardian moves out of state, they are no longer eligible for Kin-GAP funding from California. Guardianship and/or funding may need to be re-established in the new state/country, and is subject to the new state or country's laws and eligibility rules.	Court permission must be obtained to move out of state. If Guardian moves out of state, they are no longer eligible for Kin-GAP funding from California. Guardianship and/or funding may need to be re-established in the new state/country, and is subject to the new state or country's laws and eligibility rules.	Legal residence is determined by residence of birth parents. Courtesy supervision is arranged when a child moves w/ caregiver out of county or out of state. Interstate Compact Program rules must be followed when a child moves out of state and licensing/ certification procedures for that state must be followed, in order for payment to be made to caregiver by Agency. ⁵⁰
16. ILP (INDEPENDENT LIVING PROGRAM) ELIGIBILITY	Only those youth adopted after their 16 th birthday are eligible for all ILP programs, until age 21, <u>except</u> housing assistance programs (see section below on Higher Education).	Only those youth in Legal Guardianship after their 16 th birthday are eligible for all ILP programs, until age 21 (see section below on Higher Education). ⁵¹	Only those youth in Legal Guardianship after their 16 th birthday are eligible for all ILP programs, until age 21 (see section below on Higher Education).	Only those youth who remain in foster care through their 18 th birthday are eligible for all ILP programs, until age 21, including housing assistance programs (see section below on Higher Education).
17. ELIGIBILITY FOR CHAFEE GRANT PROGRAM	Only those youth in foster care at time of their 16 th birthday and adopted after, are eligible for Chafee Grant funding. ⁵² Chafee Grant provides up to \$5000 in free money (no pay back required) while youth is in college. Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21 st birthday; eligibility continues to 23 rd birthday.	Only those youth in foster care at time of their 16 th birthday and in Legal Guardianship after, are eligible for Chafee Grant funding. Chafee Grant provides up to \$5000 in free money (no pay back required) while youth is in college. ⁵³ Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21 st birthday; eligibility continues to 23 rd birthday.	Only those youth in foster care at time of their 16 th birthday and in Legal Guardianship after, are eligible for Chafee Grant funding. Chafee Grant provides up to \$5000 in free money (no pay back required) while youth is in college. ⁵⁴ Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21 st birthday; eligibility continues to 23 rd birthday.	Only those youth in foster care on their 16 th birthday and after are eligible for Chafee Grant funding. Chafee Grant provides up to \$5000 in free money (no pay back required) while youth attends college. Amount awarded, depends on the cost of the college. Youth must receive Chafee funds prior to 21 st birthday; eligibility continues to 23 rd birthday

CONSIDERING ADOPTION

Adoption offers children and youth the highest legal level of permanence, after reunification. The Adoptions and Safe Families Act of 1997 (AFSA) requires that adoption be explored for any child remaining in long term foster care, regardless of their age. It is critical, however, to remember that Adoption is not the only option for permanence, and that all permanency options should be explored.

Historically, only very young children were considered for a permanent plan of adoption. As awareness has grown regarding the urgent needs facing children and youth growing up in foster care with few or no permanent connections, attitudes regarding adoptions for older children and youth have changed throughout the state and the country.

There are several common myths about adoptions of older children, which must be explored and dispelled. The primary myth to challenge is that adoption is not an option for them, and that older children and youth are “unadoptable”.

There is no such thing as a child or youth that is “unadoptable”!
Nobody is ever too old to need a committed, supportive and loving family!

All children and youth are adoptable, regardless of age, ethnicity, sibling group size, disability, sexual orientation, or special needs. Whether adoption is the best permanent plan or not depends on the desires of the older child or youth, the legal circumstances of their case, and other important factors related to the their situation. It is important to understand that families and youth can redefine adoption together, as well as define what it means to them to be a family.

Some Important Facts To Know About Adoption:

- ◆ Kinship adoption is a viable option for family and non-related extended family members.
- ◆ Adoption is an option for older youth and young adults, not just a plan for babies and young children.
- ◆ Adoption does not have to mean losing contact with birth family.
- ◆ Open adoption is an option if all parties agree.
- ◆ Termination of parental rights does not have to mean the severing of relationships.
- ◆ Adoption by a relative does not need to mean changing familial relationships. For example, a grandmother who adopts her grandchild becomes the legal parent, but can choose to remain in name and in fact, the child’s grandmother.
- ◆ Mediation services are available to develop a Post-Adoption Agreement between adoptive and birth families, for ongoing contact and visitation.
- ◆ The original birth certificate can be, but does not have to be amended after adoption.
- ◆ Names do not have to be changed due to an adoption.
- ◆ Financial support and post-adoption services are available after adoption of a Court dependent child.

“It’s important to know that there is someone I can count on who wouldn’t turn their back on me.”
--Anonymous Foster Youth



When first considering a plan of adoption with teens, we commonly find that:

- ◆ Some youth may say that they do not want to be adopted. This is often accepted by caregivers or social workers, without taking the time to explore underlying concerns, doubts, or fears about what adoption means to them. This exploration needs to be supported and encouraged. ‘NO’ may be just a first response.
- ◆ Common myths about teenagers and adoption must be examined. What adoption means can be redefined for and by each individual youth and their prospective adoptive family.
- ◆ Some youth may think, “Why bother? I am going to turn 18 in ___ years anyway.”
- ◆ Many youth doubt anyone would want to adopt a teenager.
- ◆ Some youth may feel that agreeing to adoption may mean betraying their birth parents.
- ◆ Some youth may think that adoption will mean that they will lose their connection or future connection to their birth parents and/or siblings.
- ◆ Some youth may not have ever considered the value of what a permanent, lifelong connection can offer them.
- ◆ Some youth may have experienced multiple placement failures that have resulted in fear of rejection and mistrust.

Some Questions To Consider When Contemplating A Commitment to a Youth, with a Plan of Adoption:

- ◆ Has adoption been explored fully with the youth and have the youth’s wishes and needs been considered?
- ◆ Is the youth open to a plan of adoption?
- ◆ What is my own motivation to adopt this youth?
- ◆ Do I understand the legal and financial aspects of adoption?
- ◆ Am I willing to make an unconditional lifelong parenting commitment to an older child or youth?



COMPARISON OF FINANCIAL BENEFITS
ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
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11. SOCIAL SECURITY BENEFITS (SSI-BASED ON THE CHILD’S ELIGIBILITY)	An adopted child may be eligible for Supplemental Security Income (SSI) benefits due to a disability. ³⁸ The adoptive family directly receives these funds, for the care of the child. (Note: AAP funding and SSI Benefits are both federal programs, and the family may only receive the maximum rate child is eligible for, funds cannot overlap.)	When the child is disabled, the same factors apply as described above.	When the child is disabled, the same factors apply as described above.	When the child is disabled, the same factors apply as described above. The payee of funds is the Agency, and the funds are applied to the cost of the child’s placement.
12. RESIDENTIAL TREATMENT	AAP covers the cost of the state approved rate for group home placement or residential treatment program for which child is eligible, up to 18 months per episode. ³⁹	To access funds for group home placement or residential treatment, guardianship may need to be rescinded and/or dependency reinstated.	To access funds for group home placement or residential treatment, guardianship may need to be rescinded and/or dependency reinstated.	Funding is provided for placement in group home or residential treatment, based on child’s eligibility, and the state approved rate. ⁴⁰
13. FINANCIAL ASSISTANCE/ DEATH OF CAREGIVER	AAP funding can only be paid to an adoptive parent. AAP funding will end upon death of adoptive parent(s). ⁴¹ AAP can be re-initiated if the child is adopted again.	Guardianship funding terminates in the event of death of the guardian(s); however, Kin-GAP Guardianship benefits may continue if there is a successor Guardian. ⁴²	Guardianship funding terminates in the event of death of the guardian(s); however, FC Guardianship benefits may continue if there is a successor Guardian.	The Social Services Agency continues to be responsible for the financial care and placement needs of the child upon the death of the foster parent(s) or caregivers.
14. FINANCIAL ASSISTANCE/ CHILD’S RESIDENCE/ MOVES OUT OF COUNTY	The adoptive parents solely determine residence. ⁴³ AAP funding is paid to family regardless of where adoptive families choose to live-in another county, another state, or another country. ⁴⁴	Guardians have the right to move out of county, but must notify Court in writing. ⁴⁵	Guardians have the right to move out of county, but must notify Court in writing. ⁴⁶	Legal residence is determined by residence of birth parents (However, the child is eligible to attend school in the jurisdiction where he or she is placed). ⁴⁷ Courtesy supervision is arranged when a child moves w/ caregiver out of county. Court & the Agency determine where child lives.

COMPARISON OF FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
8. CHILD'S MISCONDUCT/ DESTRUCTION OF PROPERTY	An adoptive parent is liable to the same extent as a birth parent. ²⁷ An attorney should be consulted regarding specific situations.	A Legal Guardian is liable to the same extent as a birth parent. ²⁸ An attorney should be consulted regarding specific situations.	A Legal Guardian is liable to the same extent as a birth parent. ²⁹ An attorney should be consulted regarding specific situations.	The foster parent is not legally liable for the behavior of the child. ³⁰
9. MEDICAL INSURANCE	Children eligible for AAP are eligible for MediCal. ³¹ The family may also enroll child under their private health insurance; if enrolled, private insurance is used first. MediCal is still provided, and may offer some benefits that the private insurance does not cover.	Child is eligible for MediCal or the family may enroll child under their private health insurance; if enrolled, MediCal may cover what private insurance does not. ³²	Child is eligible for MediCal ³³ or the family may enroll child under their private health insurance; if enrolled, MediCal may cover what private insurance does not.	Child is eligible for MediCal. ³⁴
10. SOCIAL SECURITY (SSA-DEPENDENT OR SURVIVOR BENEFITS)	When an adopted parent(s) retires, becomes unable to work due to disability, or dies, the adoptive child may be eligible for dependent or survivor benefits. ³⁵ The adoptive family directly receives the funds for the care of the child.	When the birth parent(s) retires, becomes unable to work due to disability, or dies, the child may be eligible for dependent benefits or survivor benefits. ³⁶ If the SSA amount exceeds the Kin-GAP rate, and court dependency is dismissed, the Kin-GAP funds may be ended and the full SSA amount can be paid to the Legal Guardian.	When the birth parent(s) retires, becomes unable to work due to disability, or dies, the child may be eligible for dependent benefits or survivor benefits. ³⁷ The Legal Guardian may choose to receive social security benefits or foster care benefits.	SSA determines who the payee is for SSA funds for dependent children, when the birth parent is disabled or dies. The funds are applied to the foster care expense for the cost of the child's placement. A trust fund account is established for any extra funds, and the Child Welfare Worker is responsible to use these funds to meet the child's needs. Trust accounts cannot go beyond \$2000.



TOP 10 REASONS TO ADOPT A TEENAGER

1. No diapers to change.
2. They sleep through the night.
3. They will move out sooner...but can still visit.
4. You don't just get a child, you get a friend.
5. They will keep you up to date on the latest fashion.
6. No more carpools—they can drive you places.
7. No bottles, formula, or burp rags required.
8. They can help around the house.
9. They can learn from you.
10. They can teach you how to operate your computer!

Concept: Oklahoma Youth Advisory Board-2000

LOS ANGELES COUNTY INDEPENDENT LIVING PROGRAM (ILP)

Many foster youth do not have the familial support systems they need to prepare them for adulthood, or to support them once they reach adulthood. For some youth, this is due to their length of time in the foster care system, and for others it may be due to the nature of the reason they are in foster care. Many youth emancipate from foster care without necessary life skills and supports to face the challenges of living on their own.

The Independent Living Program recognizes the urgent need for youth to have lifelong permanent relationships with stable, loving adults. The program supports and promotes the building of interdependent relationships and permanent connections for the youth it serves.

The Independent Living Program (ILP) is a Federal and State funded program. In Los Angeles County the Department of Children and Family Services strives to provide every eligible foster care youth with independent living skills training to assist in his or her transition to a successful independent lifestyle. ILP is an entirely voluntary program.

General Summary of Services:

- ◆ **Life Skills Training and Counseling**, life skills training is offered through the Community College Foundation; which includes budgeting, cooking, managing a bank account (checking & savings), communication skills, how to apply for a job, educational resources, living independently, drug and alcohol abuse counseling, sexuality and peer pressure counseling, and referrals to community resource.
- ◆ **Educational Supports**, including: tutoring, educational advocacy, college advising, assistance with obtaining and reviewing transcripts, GED and SAT preparation, assistance with financial aid and scholarship applications.
- ◆ **Job Training and Placement**, including: assistance in finding job openings, filling out applications, developing interviewing skills, learning appropriate workplace behaviors, classes, including computer training, and internship opportunities.
- ◆ **Concrete Financial Support**, including bus passes, Driver's Education Assistance for Emancipated Youth, emergency financial assistance, financial incentive for participation in the ILP; college application fee, Chafee Funds for higher education.
- ◆ **Housing Assistance**, including referrals to existing housing programs for emancipated youth which includes DCFS Transitional Housing Program and other Community based programs, short term rental assistance, and dormitory and apartment start-up assistance.
- ◆ **Medical Support**, including assistance in accessing medical services, medi-cal eligibility and public health nurses are available.
- ◆ **Expanded Services** to former foster youth ages 18-21, includes assistance with housing, education, employment, childcare, medical care, transportation, uniforms, tools, and driver's licenses.

Eligibility

- ◆ Youth who remain in foster care after their 16th birthday are eligible, up to age 21.
- ◆ Children and youth adopted after their 16th birthday are eligible for ILP services, up to age 21, excluding some specific financial assistance/housing assistance programs.
- ◆ Children and youth in Legal Guardianship after their 16th birthday are eligible for ILP services, up to age 21, excluding some specific financial assistance/housing assistance programs.
- ◆ Youth adopted prior to their 16th birthday are not eligible for ILP services.



COMPARISON OF FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION (Adoption Assistance Program (AAP) Funded)	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
3. SPECIAL NEEDS ALLOWANCE	The AAP payment amount is limited to the age related, state approved foster family home care rate, and any specialized care increment for which the child would have been eligible had she or he remained in foster care. The special needs allowance is based on the individual needs of the child and what the adoptive parent does to meet those needs. ¹⁴	No special needs allowance is allowed. ¹⁵	Special needs allowance is based on the individual needs of the child and what the Legal Guardian does to meet those special needs. ¹⁶	In county licensed homes or relative placements with foster care funding, the special needs allowance is based on the individual needs of the child and what the caregiver does to meet those special needs. ¹⁷ A special rate allowance is not available for FFA, Group Home placements, or Residential treatment placements as these programs have a different rate setting structure; consideration of the special needs of the child are built into the rates. Special rates are not available for relative placements funded through CalWorks.
4. CONSIDERATION OF FAMILY CIRCUMSTANCES	Circumstances of the family are considered in determining the AAP amount, however no means test may be applied. ¹⁸	Family circumstances are not considered in determining the payment amount. ¹⁹	Family circumstances are not considered in determining the payment amount.	Family circumstances are not considered in determining the payment amount.
5. CLOTHING ALLOWANCE	No clothing allowance provided.	No clothing allowance provided. ²⁰	No clothing allowance provided.	Annual clothing allowance is provided for county licensed foster homes and relatives receiving funds through foster care. ²¹
6. FINANCIAL RECERTIFICATION	AAP must be recertified at least every 2 years. ²²	The relative or kin guardian must complete a monthly status report (CA-7); Kin-GAP is recertified annually.	The guardian must go through an annual reinvestigation.	The Child Welfare Worker recertifies child's eligibility annually.
7. TAX DEPENDENCY	The adopted child is generally a tax dependent of the adoptive parents. ²³ Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the Relative Guardian. ²⁴ Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the Legal Guardian. ²⁵ Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the foster parents. Families should consult with their tax consultant for direction. ²⁶



COMPARISON OF FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
	ADOPTION (Adoption Assistance Program (AAP) Funded)	NON RELATIVE/RELATIVE GUARDIANSHIP (supported by Foster Care Funds)	
1. ELIGIBILITY FOR FINANCIAL SUPPORT/ DETERMINATION OF RATE	<ul style="list-style-type: none"> ◆ Eligibility for funding is based on factors related to the child, including: special needs, age 3 or over, sibling group, adverse parental background, and/or racial or ethnic minority.¹ ◆ There is no means test for families.² ◆ The AAP benefit is a negotiated amount based on the needs of the child and the circumstances of the adoptive family. The responsible public agency negotiates the amount of the benefit and determines the amount based on AAP regulations. ◆ The AAP payment may not be more than the child would have received in family foster care.³ ◆ Adoptive parents determine how the AAP funds are spent.⁴ 	<ul style="list-style-type: none"> ◆ All non-relative guardians are eligible.⁷ ◆ The payment is based on the child's age, and the rate is set by regulation. ◆ There may be an allowance for special needs. ◆ The legal guardian has the obligation to spend funds for the benefit of the child but is not financially liable to support the child with the guardian's own funds. 	<ul style="list-style-type: none"> ◆ When a child is in a county licensed foster home, or with a relative and is "federally eligible", foster care funds are based on the child's age. ◆ A special care increment may be individually applied. ◆ If the child is in a relative placement and does not meet federal eligibility guidelines, the relative must apply for CALWORKS.⁸ ◆ The Foster Family Agency (FFA), group home, or residential treatment rate applies when the child is in a certified FFA home, group home, or residential treatment program & these rates do not include a special care increment.
2. PAYMENT AMOUNT- BASIC RATE	<p>The basic payment amount is based on the child's age and based on approved foster family home care rates set by the state (refer to Foster Family Homes Schedule of Basic Rates).⁹</p>	<p>The basic payment amount is based on the child's age, based on approved foster family home care rates set by the state (refer to Foster Family Homes Schedule of Basic Rates).¹¹</p>	<p>Payment amount is based on the type of placement as described above (refer to Foster Family Homes Schedule of Basic Rates).¹² If the child in foster care is not found to be federally eligible, and is placed with a relative caregiver, then the relative must apply for CalWorks funds to support the child as a 'non-needy caretaker'.</p>

FAQ (Frequently Asked Questions) REGARDING ILP AND FINANCIAL AID FOR HIGHER EDUCATION AS RELATED TO PERMANENCY OPTIONS FOR YOUTH

- Q: Are adopted or Legal Guardianship youth still eligible for ILP services?**

A: Youth who are in foster care on their 16th birthday, with Adoption or Legal Guardianship occurring after that birthday, are eligible for all ILP services excluding those related to housing support and some programs related to financial support for higher education.
- Q: Does choosing to become an adoptive parent or Legal Guardian to youth under age 16 limit opportunities for youth?**

A: NO! When families commit to provide a stable, lifelong, permanent family for children and youth outside of the foster care system, they provide them the permanency that all children and youth need and deserve. Committed families offer invaluable guidance, support and family resources to children and youth. Many of the ILP services substitute for the experience, stability, life skills, and support that the average family offers their children.
- Q: If youth are adopted or under Legal Guardianship before they turn 16, where can they obtain services similar to those offered through ILP?**

A: As stated above, many ILP services substitute for the experience, stability, and support that most families offer their children. Resources within the family's community or school may be available and include similar services, such as tutoring, computer classes, college prep., and educational advocacy.
- Q: What are the financial benefits of ILP?**

A: ILP can offer concrete funds, in times of emergency, for assistance with funds for driver's education, etc. Youth who leave foster care after their 18th birthday and plan to go to college or vocational school qualify for state and federal funds, based on their income only.
- Q: Is it ever in the best interest of youth to remain in foster care so that they can obtain ILP services?**

A: As stated above in question 2, many ILP services substitute for the experience, stability, life skills, and support that most families can offer their children. The ILP Program was designed to serve youth that had no choice but to be in foster care, were going to be emancipating from the system, and were in need of skills and services to support them. Exiting foster care to be in the care of a loving, permanent family is almost always in the best interest of youth.

"It's really important to make sure before emancipating a youth that they have one person. If I have somebody that I know I can depend on, that loves me and cares that I wake up tomorrow and am still breathing, I can get through it. I can walk through it."

--Anonymous Foster Youth



6. Q: Is it ever in the best interest of youth to remain in foster care so that they can obtain financial support for college?

A: For youth who are planning to attend college or vocational school, financial concerns are considered when exploring a plan of Legal Guardianship or Adoption. To some youth and families, access to financial assistance programs does not outweigh the importance and value of exiting the foster care system before age 18, and achieving legal permanence. Other youth and families may be in need of the financial assistance programs that currently benefit youth emancipating from foster care at age 18. Depending on the youth's plans, the adopted family's income and their general access to funds for college, some youth and families may decide that it is in the youth's best interest to remain in a foster care status.

Currently, federal and state financial aid programs for college and vocational school are designed to benefit those youth that remain in foster care through the date of their 18th birthday. Youth who remain in foster care through their 18th birthday are generally eligible for full federal and state financial aid, and only the youth's income is considered in the application for assistance. Additionally, these youth may also be eligible for other funding designated specifically for foster youth.

Efforts are going on nationally to challenge and change the current program, which appears to contradict the national efforts to have youth move out of foster care and into permanent homes and legal relationships.

7. Q: Specifically, how does Adoption affect a youth's eligibility for state and/or federal funding for higher education?

A: Adoption prior to a youth's 18th birthday may affect an adopted youth's eligibility for some types of state and federal college loans and funds, since eligibility is based on the total income of the entire adoptive family. Depending on this total family income, the youth may or may not be eligible for some types of financial assistance that they would be eligible for if they remained in foster care status through their 18th birthday.

8. Q: How does Legal Guardianship affect a youth's eligibility for state and/or federal funding for higher education?

A: Legal Guardianship generally does not negatively affect a youth's eligibility for financial aid, since a legal guardianship youth's eligibility for state and federal college loans and funds is generally based solely on the youth's income, and the Legal Guardian's income is not considered. However, if the youth's biological parents have claimed the youth on their federal income tax for the past 2 years, that income may be considered. If this occurs, and the biological parents have not supported the youth during that time period, an appeal can be filed through the financial aid office.

9. Q: What are Chafee funds, and who is eligible?

A: The California Chafee Grant Program offers up to \$5000 annually in free money to current or former foster youth to use for vocational school training or college courses. The amount is dependent on the cost of the specific school program. The money is "free", meaning it is not a loan and does not have to be paid back. To be eligible, one must be at least a half time student and maintain satisfactory academic progress. Receipt of the award may affect other financial aid, so this must be explored with the financial aid office. All youth that were in foster care for any amount of time between their 16th and 18th birthdays, and have not yet reached their 22nd birthday are eligible for these funds. Information and applications for the Chafee Grant Program are available at the California Student Aid Commission Web site, @ www.csac.ca.gov when you click on 'Commission Programs'.

10. Q: When a family or youth identifies finances for college as the primary reason against planning for adoption, does adoption have to be totally ruled out?

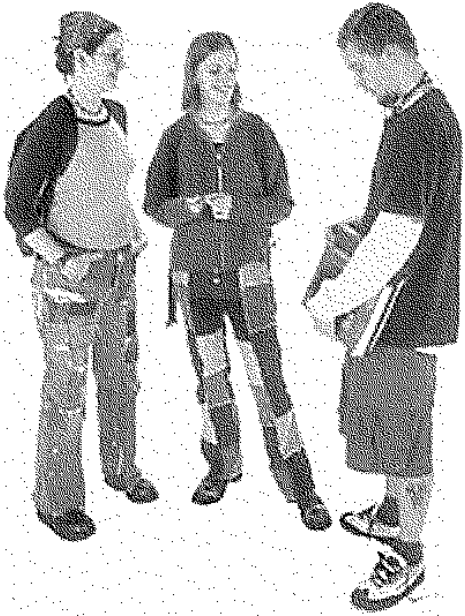
A: NO! Families and youth should remember that adult adoption is an option after age 18. Adoption can be reconsidered after college financial funding issues are no longer a factor.



CHART 1: A COMPARISON OF FINANCIAL BENEFITS

Chart 1 considers and compares the following factors in regard to Adoption, Legal Guardianship (Relative/Non-Relative) and Long Term Foster Care:

1. Eligibility For Financial Support/Determination Of Rate
2. Payment Amount/Basic Rate
3. Special Needs Allowance
4. Consideration of Family Circumstances
5. Clothing Allowance
6. Financial Recertification
7. Tax Dependency
8. Child's Misconduct/Destruction of Property
9. Medical Insurance
10. Social Security (SSA-Dependent or Survivor Benefits)
11. Social Security Benefits (SSI-Based on the Child's Eligibility)
12. Residential Treatment
13. Financial Assistance/Death Of Caregiver
14. Financial Assistance/Child's Residence/Moves Out Of County
15. Financial Assistance/Child's Residence/Moves Out Of State/Country
16. ILP (Independent Living Program) Eligibility
17. Eligibility For Chafee Grant Program
18. Eligibility For Transitional Housing Placement Program (THPP)
19. Eligibility For ILP Housing Assistance Programs
20. Eligibility For Financial Assistance For Higher Education
21. Tax Credit



Citations of the laws and regulations supporting the information in the chart are provided at the end of the Guide. A brief overview of Funding Sources follows the chart.